

### **REMARKS**

Please reconsider the application in view of the above amendments and the following remarks. The Applicant thanks the Examiner for carefully considering this application.

#### **Disposition of Claims**

Claims 1-4, 7, 9-14, 16-18, and 20 were pending in this application. Claims 9-12 are canceled, without prejudice or disclaimer, by way of this reply. Claims 1, 13, and 18 are independent. The remaining claims depend, directly or indirectly, from claims 1, 13, and 18.

#### **Claim Amendments**

Claims 1, 13, and 18 are amended to clarify the scope of the invention. Claims 2-4, 7, 14, 16, and 20 are amended to address antecedent basis issues necessitated by the amendments to claims 1, 13, and 18. No new matter has been added by way of these amendments, as support may be found, for example, in the originally filed claims, paragraphs [0030]-[0032] and [0041]-[0046], and Figure 6 of the Instant Specification.

#### **Rejection(s) under 35 U.S.C. § 102**

Claims 1-4, 7, 9-14, 16-18, and 20 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Pat. No. 5,142,679 (hereinafter referred to as "Owaki"). Claims 9-12 are

canceled by way of this reply. Thus, the rejection is now moot with respect to claims 9-12 11. To the extent this rejection still applies to the remaining amended claims, the rejection is respectfully traversed.

“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” MPEP § 2131 (quoting *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)). Further, “[t]he identical invention must be shown in as complete detail as is contained in the ... claim.” MPEP § 2131.

Independent claim 1 as amended, recites, in part,

encountering a probe during execution of an instrumented program, wherein the probe is associated with a first enabled probe identification (EPID) and a second EPID and wherein the first EPID is associated with a first action and the second EPID is associated with a second action;  
executing the first action upon encountering the probe to obtain first data and executing the second action to obtain second data;  
storing the first data and the first EPID in a first per-consumer buffer;  
storing a first metadata and the first EPID in a first per-consumer metadata table, wherein the first metadata defines a layout of the data stored in the first per-consumer buffer, and wherein the first per-consumer buffer and the first per-consumer metadata table are accessible by a first consumer;  
storing the second data and the second EPID in a second per-consumer buffer; and  
storing a second metadata and the second EPID in a second per-consumer metadata table, wherein the second metadata defines a layout of the data stored in the second per-consumer buffer, and wherein the second per-consumer buffer and the second per-consumer metadata table are accessible by a second consumer.

In view of the above, amended independent claim 1 requires, in part, (1) a probe associated with multiple EPIDs, where each EPID is associated with an action such that encountering the probe results in execution of multiple actions, and (2) storing data obtained from a probe into a per-consumer buffer, and the metadata that defines the layout of the data (as stored in the per-consumer buffer) into a per-consumer metadata table, each with the associated EPID.

In contrast, Owaki is directed to a system where each probe corresponding to a sentence is associated with exactly one block ID number and accordingly, a single action. *See* Owaki, Figures 4 and 8B. Owaki is completely silent with respect to a probe associated with multiple enabled probe identifications, and where each EPID is associated with an action such that encountering the probe results in the execution of different actions. Further, Owaki is completely silent with respect to a per-consumer buffer and a per-consumer metadata-table accessible by a consumer.

Furthermore, the metadata defining a layout of the data, as recited in independent claim 1, is not equivalent to the program status word (PSW) of Owaki, as asserted by the Examiner. *See* Office Action dated November 29, 2007 at page 4. Owaki specifically recites, "as shown in FIG. 11A, the PSW comprises an interrupt mask bit (MASK), a program identification number (PN), a PROBE instruction suppression flag (P), five condition codes (C, O, N, Z, and E) and a control flag field." Owaki, col. 6, lines 32-37. In other words, the components of the PSW are used to determine when an interrupt mask is

set, determine when to begin collection of the execution status data, and identify the program execution path history information. *See* Owaki, col. 6, lines 38-47. The PSW of Owaki is not related to metadata that defines a layout of data, obtained from a probe and stored in a buffer. Further, a thorough review of Owaki reveals that Owaki is completely silent in regards to metadata that defines a layout of data stored in a per-consumer buffer.

Furthermore, because Owaki is completely silent regarding metadata that defines a layout of the data stored in a per-consumer buffer, Owaki cannot possibly describe separately storing the data and the metadata in a per-consumer buffer and per-consumer metadata table, respectively.

In view of the above, Owaki fails to recite each and every element of independent claim 1 and accordingly, fails to anticipate independent claim 1. Independent claims 13 and 18 are amended to include similar limitations and are patentable over Owaki for at least the same reasons. Claims 2-4, 7, 14, 16, 17, and 20 depend, either directly or indirectly, from claims 1, 13, and 18 and are allowable for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

## **Conclusion**

The Applicant believes this reply is fully responsive to all outstanding issues and places this application in condition for allowance. If this belief is incorrect, or other issues arise, the Examiner is encouraged to contact the undersigned or his associates at the

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telephone number listed below. Please apply any charges not covered, or any credits, to Deposit Account 50-0591 (Reference Number 03226/338001; SUN040165).

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